



IN THE MATTER OF:

Complainant,

ZURICH AMERICAN INSURANCE CO.,

Respondent.

EEOC: 21B991658

ALS NO: 11252

On May 4, 2000, the Illinois Department of Human Rights (Department) filed a complaint on behalf of Complainant, Grazyna Niedziolka. That complaint alleged that Respondent, Zurich American Insurance Co., discriminated against Complainant on the basis of sex, and national origin.

The following findings of fact are based upon the case file in this matter.

1. This matter was originally scheduled for public hearing on July 18, 2000. On July 12, 2000, Respondent's motion to, *inter alia*, continue the public hearing date was heard. Respondent appeared, Complainant did not appear. The case at bar was continued to August 16, 2000 and Respondent served a copy of the order on Complainant's attorney.
2. On August 16, 2000, a scheduling order was entered and the matter was continued to September 7, 2000 for a settlement conference. Both parties appeared.
3. On September 7, 2000, Respondent appeared and Complainant failed to appear. The settlement conference was stricken. Respondent served a copy of the order on Complainant's attorney.

4. On December 7, 2001, Respondent's Motion to Compel, which had been served on Complainant, was heard. Complainant did not appear, Respondent appeared. The matter was continued to January 8, 2001.
5. On January 8, 2001, both parties appeared. This matter was continued to March 26, 2001.
6. On March 26, 2001, both parties appeared. Respondent had filed a Second Motion to Compel pursuant to its supplemental discovery requests. Complainant was given until April 27, 2001 to respond to the supplemental discovery. A settlement conference was set for April 17, 2001.
7. On April 10, 2001, the parties submitted an agreed order rescheduling the settlement conference to April 20, 2001.
8. On April 20, 2001, both parties appeared and the matter was continued to May 7, 2001.
9. On May 7, 2001, both parties appeared, and the matter was continued to June 11, 2001.
10. On June 11, 2001, Complainant failed to appear and Respondent appeared. Respondent had filed a Motion to Dismiss for Want of Prosecution, however Respondent was ordered to renotice its Motion and serve the Illinois Department of Human Rights. The matter was continued to July 16, 2001. That order stated Complainant's failure to appear could result in the matter being dismissed for want of prosecution. A copy of the order was served on Complainant's attorney.
11. On July 16, 2001, Respondent appeared, Complainant failed to appear.

Conclusions of Law

1. Complainant's failure to appear at most hearing dates, or to make any attempt to explain those failures, has unreasonably delayed the proceedings in this case.
2. In light of Complainant's apparent abandonment of her claim, it is appropriate to dismiss this matter with prejudice.

Discussion

Complainant and the Department were served with a copy of the Motion to Dismiss. Complainant has taken little action to prosecute this matter since the complaint was filed by the Department of Human Rights. Despite being served with notice, she has appeared at half of the scheduled hearings in this matter. None of these failures to appear on the part of the Complainant have been explained. Complainant's continued inaction has unreasonably delayed proceedings in this matter.

It appears that Complainant has simply abandoned her claim. As a result, it is appropriate to dismiss the claim with prejudice. See, Leonard and Solid Matter, Inc., __ Ill. HRC Rep. __, (1989CN 3091, August 25, 1992).

Recommendation

Based upon the foregoing, Complainant's inaction has unreasonably delayed the proceedings in this matter; it appears that she has abandoned her claim. Accordingly, it is recommended that this case be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY:
WILLIAM H. HALL
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: July 18, 2001